

Court of Appeals, State of Michigan

ORDER

People of MI v George Lawrence McMonigal

Docket No. 279442

LC No. 07-005181-FH

Michael R. Smolenski
Presiding Judge

Richard A. Bandstra

Jane E. Markey
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court orders that Appellant's sentence for first-degree criminal sexual conduct is VACATED. Although substantial and compelling reasons exist for departing from the sentencing guidelines range in accordance with *People v Babcock*, 469 Mich 247; 666 NW2d 231 (2003), the sentencing judge abused his discretion in the length of the departure and, thereby, imposed a sentence disproportionate to the circumstances surrounding both the offense and offender, *People v Abramski*, 257 Mich App 71, 74-75; 665 NW2d 501 (2003). This matter is REMANDED to the Jackson Circuit Court for reassignment to a different judge, *People v Hill*, 221 Mich App 391, 398; 561 NW2d 862 (1997), and for resentencing before that newly assigned judge. This order takes immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 27 2007

Date

Sandra Schultz Mengel
Chief Clerk